

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	LA CV 15-6119 RGK (JCG)	Date	January 5, 2016
Title	<i>Francisco Xavier Martinez v. Neil McDowell</i>		

Present: The Honorable	Jay C. Gandhi, United States Magistrate Judge
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Kristee Hopkins	None Appearing	
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Petitioner:	Attorneys Present for Respondent:
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None Appearing	None Appearing
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Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO FILE OPPOSITION TO MOTION TO DISMISS**

On October 23, 2015, Respondent filed and served a Motion to Dismiss this action. [Dkt. No. 10.] By the Court's August 17, 2015 Order, [Dkt. No. 4], Petitioner had until November 23, 2015 to file an Opposition.

To date, Petitioner has not filed an Opposition. The failure to file an Opposition within the deadline set by the Court may be deemed Petitioner's consent to granting the Motion to Dismiss. C.D. Cal. L.R. 7-12.

Accordingly, within **fourteen days** of the date of this Order, Petitioner is **ORDERED TO SHOW CAUSE**, in writing, why he failed to timely file an Opposition to the Motion to Dismiss, and why this action should not be dismissed for failure to file an Opposition. *See id.*; *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (*per curiam*) (affirming dismissal of *pro se* prisoner's action for failure to file opposition to motion to dismiss); *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002) (affirming dismissal of habeas petition with prejudice for failure to prosecute); *Jones v. Unknown*, 2011 WL 3583462, at *1 (C. D. Cal. June 29, 2011) (dismissing habeas action for failure to file opposition to motion to dismiss). Petitioner shall support any attempt to show cause with a declaration under penalty of perjury, accompanied by either a Statement of Non-Opposition or an Opposition that (a) states whether Petitioner admits or denies each allegation of fact contained in the Motion to Dismiss; and (b) is limited to facts or contentions responsive to matters raised in the Motion to Dismiss.

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Petitioner is cautioned that his failure to timely file a response and either a Statement of Non-Opposition or an Opposition to the Motion to Dismiss will be deemed by the Court as consent to the dismissal of this action without prejudice for failure to prosecute and/or failure to comply with a court order.

IT IS SO ORDERED.

cc: Parties of Record

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Initials of Clerk	kh		